

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated **January 3, 2006** (“the Action”) in which claims 1, 6, 11, 19-20 and 22 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite and claims 1, 5-6, 10-11, 16, 19-20 and 22-38 are rejected under 35 U.S.C. § 102(b) as anticipated by Clark et al. (US Patent 5,187,780 – “Clark”). In response, Applicants disagree.

Current Status of Claims:

With this amendment, claims 1, 5, 6, 10, 11, 15, 16, 19, 23, 25, 26, 28-34 and 36-38 remain pending and claims 20, 22, 24, 27 and 35 are canceled. Applicants offer to amend claims 1, 6, 11, 19, 23, 25, 26, 28, 31, 34 and 36 as presented above. No new matter has been introduced.

Rejection under 35 U.S.C. § 112:

On page 2 of the Action, claims 1, 6, 11, 19-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, the phrase “a completion” was identified as indefinite. Applicants have amended claims 1, 6, 11 and 19 to remove the phrase and have canceled claims 20 and 22. Thus, Applicants request that the 35 U.S.C. § 112, second paragraph rejection of claims 1, 6, 11 and 19 be withdrawn.

Rejections under 35 U.S.C. § 102(b):

Relevant portions of claim 1, as currently amended, are as follows:

“An apparatus comprising:
a data path output unit...;
a format field to partially specify the packet header format,
to specify whether the transaction layer packet includes a data
payload and to specify a size of the packet header; and...”

Emphasis added.

Clark does not describe the above emphasized elements of claim 1. Clark describes a message packet (20) that includes a header and information portion (22). Col. 4, lines 36-40 and Fig. 2. The header portion includes a type field (24) and a length field (25). Col. 4, line 65 to Col. 5, line 3. According to Clark, length field (25) only specifies the length or size of the entire message packet. Col. 4, lines 1-3. Clark’s header includes no fields to indicate the number of bytes or the size of the header. Why would Clark have such a field given that Clark describes a header, regardless of packet size, that always contains the same fields? Col. 12, lines 37-39. Hence, the fixed-sized header in Clark does not describe the above emphasized elements of claim 1. Thus, Applicants request that the 35 U.S.C. § 102(b) rejection of claim 1 be withdrawn.

Independent claims 6, 11 and 19 also include similar elements to claim 1. Additionally, claims 5, 10, 15, 16, 23, 25, 26, 28-34 and 36-38 depend from one of independent claims 1, 6, 11 and 19. Thus, Applicants request that the 35 U.S.C. § 102(b) rejections of independent claims 6, 11 and 19 and dependent claims 5, 10, 15, 16, 23, 25, 26, 28-34 and 36-38 be withdrawn.

Conclusion

Applicants respectfully submit that claims 1, 5, 6, 10, 11, 15, 16, 19, 23, 25, 26, 28-34 and 36-38 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
Harriman et al.

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by: /s/Ted A. Crawford/Reg. No. 50,610/
Ted A. Crawford
Reg. No. 50,610
Patent Attorney for Assignee Intel Corporation

Intel Corporation
PO Box 5326
SC4-202
Santa Clara, CA 95056-5326
Tel. (503) 712.2799